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10/759,553	01/16/2004	Morgan Perry	418268719US	8102
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EXAMINER				
DAGNEW, SABA				
ART UNIT		PAPER NUMBER		
3688				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentprocurement@perkinscoie.com

Office Action Summary

Application No.

10/759,553

Applicant(s)

PERRY, MORGAN

Examiner

SABA DAGNEW

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-8, 10-17, 19, 20, 23-30 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8, 10-17, 19, 20, 23-30 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7 May 2010
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7 May 2010 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8, 10-15 23-24, 26 and 29-30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Radwin (7,007,074 B2) in view of Son (US Patent Publication 2003/00046281 A1)

With respect to claims 6 and 26, Radwin teaches a method of using one or more processors to distribute Internet advertisement to users comprising:

with a processor, assigning cookies to users of a search interface (***Fig. 8, 808 and Col. 13, lines 19-22 and Col. 14, lines 8-14, where "setting cookies" reads on assigning cookies***)

with a processor storing the collected search terms for each user in association with each user's cookie(**Col. 13, lines 19-33 and Col. 14, liens 8-14, which teaches** *cookie contains an encrypted version of the ad type*) ;

for each of a plurality of users (**Col. 7, lines 21-28, which teaches** *accessing records for each of the users*), based on the collected search terms (**Fig. 6, 602, where** *"receive search terms" reads on collected search terms*), with a processor, selecting advertising strategy to assign to the user by (**Col. 3, lines 19-37, which teaches** *repository includes immediate and time-dependent (time duration) search characteristics associated with various search terms entered by user*);

for each advertising strategy (**Abstract, where** *"immediate advertisements and time-dependent advertisements associated with search results" reads on advertising strategies*) ,

of the collected search terms (**Fig. 6, 602, where** *"receiving search terms" reads on collected search terms*) re identifying those employed by the user (**Fig. 6, 604, where** *"store user search characteristics" reads on identifying those employed by user*) over an immediately preceding period equal to the time specified by the advertising strategy (**Fig. 6, 616-620, where** *"filtering out expired terms, select time- delayed Ad, and present time-delayed ad" reads on preceding period equal to the time duration specified by the advertising strategy*);

comparing a set of search terms specified by the an advertising strategy (**Fig. 6, 606 and 610**) to the identified search terms to determine whether the user has employed any of the search terms specified by the advertising strategy over the period ,

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and (Fig. 6, 619 and 620, Col. 5, lines 65-67, Col. 6, lines 1-5, which teaches determining one search characteristics is a user ID associated with particular terms and Col. 10, lines 16-25, which teaches selecting the most appropriate advertisement, which accompany the search result (match or compared) and display advertisement as a banner advertising strategy, Col. 11, lines 49-67 and Col. 12 lines 1-5); and

if the user has employed any of the search terms specified by the advertising strategy over the period, assigning the user to the advertising strategy (Fig. 6, 602, where "receiving search terms" reads on collected search terms, 604, where "store user search characteristics" reads on identifying those employed by user and , 616-620, where "filtering out expired terms, select time- delayed Ad, and present time-delayed ad" reads on preceding period equal to the time duration specified by the advertising strategy); and

in response to a user visiting a publisher web site, after the user is assigned to an advertising strategy (Col. 12, lines 17-22, which teaches user selects a web page to view advertisement), selecting an advertising strategy to which the user is assigned (Col. 3, lines 38-48, teaches selecting the time –dependent advertisement), and enacting the selected advertising strategy to present an advertisement specified by with the selected advertising strategy (Fig. 6, 620 and Col. 12, lines 17-25, , which teaches user selects a web page (advertising strategy) to view advertisement, and displaying on web page by clicking hypertext links).

Radwin teaches all the above elements including with a processor, defining a plurality of advertising strategies *each* advertising strategy specifying a plurality of

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advertisements, a plurality of search terms, and an arbitrary time wherein a first advertising strategy is associated with a first and wherein a second advertising strategy is associated with a second time (**Fig. 3, where "user-0... User-n" reads on a plurality of advertising strategy which each contain plurality of search terms, associated with time stamp and other characteristics such as time-dependent advertising (see Col. 6, lines 65-67 and Col 7. lines 1-3))** and Radwin further teaches in Col. 7, lines 12-20, "a time stamp" that indicates the data and time is also associated with each of those record. Radwin does not explicitly teach time interval associated with the advertising strategy.

However, Son teaches time interval associated with the advertising strategy (**paragraph [0064]**, where "deleting search history record older that a certain time from which predetermined day has passed" reads on time interval, such as search term if it is more than a few weeks or months old). Therefore, it would have been obvious to the one ordinary skill in the art at the time of the invention was made to include a feature that determines the length of the search history and deletes after the date has passed as taught by Son in the time stamp system of Radwin in order to increase of access to the search history overtime (**see Son, paragraph [0108]**)

With respect to claim 7, Radwin in view of Son teaches all elements of claim 6. Furthermore, Radwin teaches the method wherein collecting a unique identifier associated with each user (**Fig. 3 where "user 0 ...user n" reads a unique identifier and Col. 15, lines 29-34**).

With respect to claim 8, Radwin in view of Son teaches all elements of claim 6. Furthermore, Radwin teaches the method wherein a collecting search term includes collecting combinations of multiple search terms (**Col. 10, lines 5-15**).

With respect to claim 10, Radwin in view of Son teaches all elements of claim 6. Furthermore, Radwin teaches the method wherein assigning each user to an advertising strategy occurs before the user visits the publisher web site (**Col. 5, lines 28-32, where teaches a search query initiated to user before visiting web site**).

With respect to claim 11, Radwin in view of Son teaches all elements of claim 6. Furthermore, Radwin teaches a method including with a processor providing a plurality of selected advertisement (**Col. 4, lines 15- 18**), each associated with a selected advertising strategy (**Col. 4, lines 21-23**), and wherein at least one the advertising strategies comprised a default strategy in which none of the selected advertisements are served (**Col. 14, lines 2- 7, where "run of the network advertisement" reads on default strategy**).

With respect to claims 11-13, Radwin in view of Son teaches all elements of claims 6 and 11, furthermore, Radwin teaches the method further comprising:

determining that the identified search terms do not relate to one of a collection of selected advertisements (**Fig. 8, 802, receiving terms, 804 matching (determining) keyword, 805, where no match, 806 teaches presenting non-keyword search ad**); and

when it is determined that the identified search terms do not relate to one of a collection of selected advertisements, serving an advertisement other than the selected advertisement (**Fig. 8, 806 teaches presenting non-keyword search ad and Col. 12**).

lines 36-50, which teaches filtering out advertisements that are not related to previously stored search term) and serving no advertisement (Col. 1. lines 39-44, and lines 60-64 where “displaying ads out-of-context reads on serving no advertisement and).

With respect to claim 14 Radwin in view of Son teaches all elements of claim 6, furthermore, Radwin teaches wherein assigning each user to an advertising strategy including assigning at least some of the user to a strategy of serving no advertisement (**Col. 2, lines 11-19, teaches the behavior of group of different users, advertisement presented to each user in a targeted audience base upon predicted behavior rather than in response to certain keyword search).**

Claim 15 is taught inherently because enacting/serving/executing cannot be at the same instant as searching.

With respect to claim 23, Radwin in view of Son teaches all elements of claim 1, the method of claim 6 wherein collecting search terms comprises collecting a history of inquiries the user has submitted over a predetermined length of time (**Fig. 3 Col. 7, lines 28-30, where “time stamp 77 identifies search term last used” reads submitted over predetermined length of time).**

With respect to claim 24, Radwin in view of Son teaches all elements of claim 1. Furthermore, Radwin teaches collecting search terms comprises collecting a history of all queries the user has submitted to the search facility (**Col. 4, lines 34-39, where “storing search terms” reads on submitting to the search facility and Col. 7 teaches, lines 21-40).**

With respect to claims 29 and 30, Radwin in view of Son teaches all elements of claims 6, including contracts to present advertisements are normally signed in advance of delivery from several weeks to month and the duration of the contracts from one day to multiple years (**Col. 1, lines 19-28**) and time-dependent and first search term is available during a period of time, (**Col. 3, lines 38-47**), time dependent advertisement available for presentation during a period of time until the time period expires (**Col. 5, lines 14-40**) and shorter the period of time between a selected web page and previously searched terms (**Col. 12, lines 30-35**) and same (common) search query matches against the advertisements, and determine which of the two advertisements will be presented (**Col. 14, lines 19-28**). Neither Radwin nor Son does explicitly teach arbitrary time duration associated with a first advertising strategy is greater than the arbitrary time duration associated with a second advertising strategy. Since the duration of advertising time is based on the agreement between, it would have been obvious to the one ordinary skill in the art at the time of the invention was made to declare the duration of the advertisement distribution contrast in the systems of Radwin and Son in order to calculate the time that has elapsed between two advertisements.

Claims 16- 17, 19-20, 25, and 27-28 and 32 are rejected under 35 U.S.C. 103(a) as being obvious over Radwin (7,007,074 B2) in view of Ponte (6,826,559 B1)

With respect to claim 16 and 27 Radwin teaches a method of using one or more processors to distribute Internet advertisements to users comprising:

for each a plurality of users (**Col. 2, lines 53-59, which teaches advertiser presents their advertisements to users based on presentation of search result**),

with processor, collecting search terms employed by users of a search facility (**Col. 11, lines 49-56** , where "search terms stored for later use" reads on collecting search terms) during each of a plurality searches submitted by the user to the search facility (**Fig. 6,602, 604, and 606**, search terms submitted by user **Col. 2, lines 53-59**, which teaches advertiser presents their advertisements to users based on presentation of search result reads on collecting search terms, **and Col. 15, lines 10-13**);

with processor, collecting a unique identifier associated with the user (**Fig. 3, 22** user profile contain user unique identifier (User 0-n) associated with each user **and Col. 6, lines 45-58**);

with processor storing the search terms and unique identifiers in a database, with each identifier associated with the search terms employed by the associated user (**Col. 6, lines 1-10**, where database is inherent);

in response to a user visiting a publisher web site, with a processor, determining the user's unique identifier (**Fig. 3**, where "user 0-n" reads on user identifier), searching the database to determine an advertising strategy to which the user's unique identifier was assigned prior to the user's current visit to the publisher web site (**Fig. 3, where "table" reads on database and Col. 6, lines 44-58**), and serving to the user an advertisement associated with the advertising strategy (**Col. 12, lines, 17-35**, which teaches serving advertisements to user via web page (advertising strategy)

Radwin teaches all the above elements, including with processor, generating a plurality of selected advertising strategies, each advertising strategy specifying a plurality of search terms an arbitrary time duration(**abstract, Col. 1, lines 30-38**, which teaches

a term is searched during a period of time and Col. 3, lines 19-37, which teaches repository includes immediate and time-dependent (time duration) advertisements and search characteristics associated with various search terms entered by user).

Radwin does not teach arbitrary Boolean search expression, based on the search terms and a plurality of advertisements to be presented to users who have employed a set of search terms satisfying the Boolean search expression, wherein the Boolean search expression includes two or more search terms, the Boolean search expression and the advertisements having been received from the same source; with a processor assigning identifiers to at least one of the advertising strategies by comparing the search terms collected for the user to the Boolean search expression specified by each advertising strategy.

However, Ponte teaches generating a plurality of advertising strategies, each with an associated Boolean search expression (**Col. 27, lines 19-22**), the Boolean search expression corresponding to search terms associated with the associated advertising strategy (**Col. 27, lines 26-35**); and

a plurality of advertisements to be presented to users who have employed a set of search terms satisfying the Boolean search expression, wherein the Boolean search expression includes two or more search terms (**Fig. 13, 1802, and 1804, teaches a set of search terms, and where "shoes, and states Boston and MA" reads on two or more search terms that satisfy Boolean search expression and),** the Boolean search expression and the advertisements having been received from the same source (**Fig.**

14, teach list of search result (which is a plurality of advertisements) and Col 23, lines 35-41, teaches queries includes Boolean search term);

assigning identifiers to at least one of the advertising strategies (by comparing the search terms collected for the user to the Boolean search expression associated with each advertising strategy (**Col. 27, lines 1-23**). Therefore, it would have been obvious to the one ordinary skill in the art at the time invention to include Boolean search expression as taught by Ponte into the system of Radwin in order to provide user with efficient search system.

Radwin in view of Ponte teaches claim 16. Additionally, Radwin addressed claim 17 by the rejection of claim 8 as cited above.

Radwin in view of Ponte teaches claim 16. Additionally, Radwin addressed claim 19 by the rejection of claim 11 as cited above.

Radwin in view of Ponte teaches claim 16. Additionally Radwin addressed claim 20 by the rejection of claim 12 as cited above.

With respect to claims 25 and 28, Radwin in view of Ponte teaches all elements of claim 27, except Boolean search expression associated with at least one of the selected advertising strategies incorporates a Boolean operator other than OR.

However, Ponte teaches Boolean search expression associated with at least one of the selected advertising strategies incorporates a Boolean operator other than OR (**Col. 27, lines 25-35, where "AND" reads on Boolean operator other than OR**). Therefore, it would have been obvious to the one ordinary skill in the art at the time

invention to include Boolean search expression as taught by Ponte into the system of Radwin in order to provide user with efficient search system.

With respect to claim 32, Radwin in view of Ponte teaches all elements of claim 16, except wherein at least on Boolean search expression is supplied prior to any user visiting the publisher website.

However, Ponte teaches wherein at least on Boolean search expression is supplied prior to any user visiting the publisher website (**Col. 24, lines 1-8, where "Boolean operator and" is a conjunctive of search term correspond to the formation of a subset and Col. 27, lines 19-36, where "query request made by user" reads on Boolean search expression supplied prior to any user visiting the publisher website and teaches logical Boolean AND and OR operation may also be presented**). Therefore, it would have been obvious to the one ordinary skill in the art at the time invention to include Boolean search expression as taught by Ponte into the system of Radwin in order to provide user with efficient search system.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 7 May 2010 (on pages 9-11) have been fully considered but they are not persuasive.

Applicant argued in page 6 that Radwin that describes or suggest advertising strategies that specify plurality of advertisements as received.

However, the Examiner respectfully disagrees with the applicant because according to the abstract and Fig. 3 of the applicant's published application, a number of selected advertising strategies are generated, each having an associated desired search term or a set of terms as same as Radwin in Fig. 3. According to Radwin's reference, Fig. 3 shows that a plurality of advertisement associated with search terms, time stamps and user who conducted search. For, example, (see Fig. 3) where "user-0... User-n" reads on a plurality of advertising strategy which each contain plurality of search terms, associated with time stamp and other characteristics such as time-depending advertising (see Col. 6, lines 65-67 and Col 7. lines 1-3)) and Radwin further teaches in Col. 7, lines 12-20, "a time stamp" that indicates the data and time is also associated with each of those record.

Applicant argued that Ponte provides no indication that the user and the business are the same source. Applicant further argued that unable to find any portion of Ponte that describes or suggest a single source providing both Boolean search expression and a plurality of advertisement are each associated with the same advertising strategy.

However, the Examiner respectfully disagrees with the applicant because Radwin in Fig. 3 and Col. 6, lines 45-67, teaches search engine coupled to user profile to provide search characteristics, including search terms and user profile configured to provide user profile information to ad server as indicated in paragraph [0011] of applicant's publish application. Applicant's application indicated that collecting search terms employed by users of sear engine web site and collecting a unique identifier associated with the user. Both the applicant specification and Radwin's reference

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addressed the same issues. Since Radwin does not teach Boolean search expression based on search terms, Ponte reference combined to address the missing elements. Ponte in Col. 27, lines 19-36, teaches that query request made by user and further teaches Boolean "AND" and "OR" operation may also be presented which corresponding with the advertising strategy.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SABA DAGNEW whose telephone number is (571)270-3271. The examiner can normally be reached on 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SABA DAGNEW/
Examiner, Art Unit 3688